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Filed : March 31, 2004

## REMARKS

By way of summary, Claims 1-25 were originally filed in the present application. In an Amendment filed on March 17, 2005, Claims 26 and 27 were added. In an Amendment filed on November 23, 2005, Claims 28-31 were added. Claims 1, 16, 19, and 30 are amended herein. Thus, Claims 1-31 remain pending in the present application.

Amendments to the specification and claims set forth above include markings to show the changes by way of the present amendment, deletions being in strikeout (e.g., ~~strikeout~~) and additions being underlined (e.g., underlined).

### Amendments to the Specification

Applicant has amended paragraphs [0004], [0029], [0035], and [0050] of the specification to correct minor typographical errors. The amendments to the specification are presented in bold font in order to facilitate identifying these minor amendments. No new matter has been added to the specification by way of these amendments.

### Claims 1-2, 4-7, 9-15, 19-20, 27, and 30-31 Are Allowable Over Takahashi '928

Claims 1-2, 4-7, 9-15, 19-20, and 27-31 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,349,928 to Takahashi et al. ("Takahashi '928").

Applicant believes that the Examiner mistakenly rejected Claims 28 and 29 based on 35 U.S.C. § 102(b) as anticipated by Takahashi '928. Claims 28 and 29 depend from Claim 16. Claim 16 is not rejected based on 35 U.S.C. § 102(b) as anticipated by Takahashi '928. Rather, as discussed below, Claim 16 is rejected based on 35 U.S.C. § 103(a) as being unpatentable over Takahashi '928 in view of Takahashi '402. Accordingly, for the purpose of this response, Applicant will assume that the Examiner rejected Claims 28 and 29 based on 35 U.S.C. § 103(a) as being unpatentable over Takahashi '928 in view of Takahashi '402.

Applicant respectfully disagrees with the characterization of the references and with the rejection of the claims. Nevertheless, to expedite the issuance of the other pending claims, Applicant has amended Claims 1, 19, and 30 to more clearly distinguish the claims over the applied reference. In view of the following discussion, Applicant respectfully submits that the claims are in condition for allowance.

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**Claims 1-2, 4-7, 9-15, and 27**

Amended Claim 1 recites:

An engine comprising an engine body including a plurality of combustion chambers and an air induction system for supplying air to the combustion chambers, the air induction system comprising a support member defining at least one flow passage, a flow control device supported by the support member, the flow control device being positioned upstream of the flow passage and communicating with the flow passage so as to regulate an amount of air flow through the flow passage, and at least two runners, the runners positioned on opposite sides of the engine body from each other and being in fluid communicating with at least one corresponding combustion chamber and with the flow passage of the support member, one end of each runner being supported by the support member and the other end of each runner being supported by the engine body, the flow passage being positioned to deliver air flow from the flow control device to the ends of the runners supported by the support member.

Takahashi '928 does not disclose each and every limitation of Claim 1. For example, Takahashi '928 does not disclose, among other things, a flow control device being positioned upstream of the flow passage. Takahashi '928 teaches an engine with a carburetor unit 62 having a choke valve 66 and a throttle valve 64. Takahashi '928, Figs. 3a and 3b; *see also id.* Col. 3, lines 15-22. As the Examiner illustrates in the Office Action, a flow passage is located between an air intake box 68B and the choke valve 66 of the engine. Office Action mailed January 31, 2006, Page 3. In contrast to the structure recited in Claim 1, the choke valve 66 is positioned downstream of the flow passage. As a result, Takahashi '928 simply does not disclose the arrangement of the air intake components recited in Claim 1.

Takahashi '928 thus does not contain each and every limitation of Claim 1, and Applicant respectfully submits that Claim 1 is in condition for immediate allowance. Dependent claims 2, 4-7, 9-15, and 27 depend from independent Claim 1. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**Claims 19-20**

Amended Claim 19 recites:

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An engine comprising an engine body including at least one combustion chamber, and an air intake system including an air silencer having an air intake port, a throttle body in communication with the air silencer, at least two induction air passages, and an induction air support member, the induction air support member connected to and providing fluid communication between the air silencer and the induction air passages, the induction air support member being attached to the engine body and supporting the throttle body, the engine body comprising two cylinder banks arranged in a V-shape and having first and second outer sides, at least one induction air passage being positioned along the first outer side of the engine body and at least another induction air passage being positioned along the second outer side of the engine body, each of said induction air passages communicating with the throttle body.

Takahashi '928 does not disclose each and every limitation of Claim 19. For example, Takahashi '928 does not disclose, among other things, an air induction system having at least two induction air passages and a throttle body, wherein each induction air passage communicates with the throttle body. Takahashi '928 teaches an engine having intake tubes 58A, 58B, which connect cylinder rows 32A, 32B with carburetor units 62. Each carburetor unit 62 communicates with a single intake tube 58. Takahashi '928, Figs. 3a and 3b; *see also id.* Col. 3, lines 11-36. Amended Claim 19, however, recites that at least two of the induction air passage communicates with *the* throttle body of the engine. Thus, the throttle body communicates with multiple induction air passages disposed along first and second sides of the engine body. As a result, Takahashi '928 simply does not disclose the arrangement of the air intake components recited in Claim 19.

As described above, Takahashi '928 does not contain each and every limitation of Claim 19. Thus, Applicant respectfully submits that Claim 19 is in condition for immediate allowance. Dependent claim 20 depends from independent Claim 19. This claim is allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

#### Claims 30-31

Amended Claim 30 recites:

An engine comprising an engine body including a plurality of combustion chambers, at least one cylinder defining in part one of the combustion chambers,

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and an air intake system including an air silencer having an air intake port, a throttle body in communication with the air silencer, a plenum chamber housing defining a plenum chamber, the plenum chamber being positioned downstream of the throttle body, at least one induction air passage extending along a side of the engine body generally next to the at least one cylinder and being in communication with only one combustion chamber, and an induction air support member, the induction air support member connected to and providing fluid communication between the air silencer and the induction air passage, the induction air support member being attached to the engine body and supporting the throttle body.

Takahashi '928 does not disclose each and every limitation of Claim 30. For example, Takahashi '928 does not disclose, among other things, a plenum chamber housing defining a plenum chamber where the plenum chamber is positioned downstream of the throttle body. Takahashi '928 teaches an engine having an air intake box 68B. The air intake box 68B is positioned upstream of a choke valve 66 and of a throttle valve 64 of the intake system. *See* Takahashi '928, Figs. 3a and 3b. Amended Claim 30, however, recites that a plenum chamber is positioned downstream of a throttle body of the intake system. As a result, Takahashi '928 simply does not disclose the arrangement of the air intake components recited in Claim 30.

As described above, Takahashi '928 does not contain each and every limitation of Claim 30. Thus, Applicant respectfully submits that Claim 30 is in condition for immediate allowance. Dependent claim 31 depends from independent Claim 30. This claim is allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**Claims 3, 16-18, 25-26, and 28-29 Are Allowable Over Takahashi '928 In View of Takahashi '402**

Claims 3, 16-18, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi '928 in view of U.S. Patent No. 5,829,402 to Takahashi et al. ("Takahashi '402").

For the reasons noted on page 8, Applicant believes that the Examiner mistakenly rejected Claims 28 and 29 based on 35 U.S.C. § 102(b) as anticipated by Takahashi '928. Accordingly, for the purpose of this response, Applicant will assume that the Examiner rejected

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Claims 28 and 29 based on 35 U.S.C. § 103(a) as being unpatentable over Takahashi '928 in view of Takahashi '402.

Applicant respectfully disagrees with the characterization of the references and with the rejection of the claims. Nevertheless, to expedite the issuance of the other pending claims, Applicant has amended Claim 16 to more clearly distinguish the claim over the applied reference. In view of the following discussion, Applicant respectfully submits that the claims are in condition for allowance.

**Claim 3**

Claim 3 depends from Claim 1. As discussed above, Takahashi '928 does not contain each and every limitation of amended Claim 1, and Claim 1 is in condition for immediate allowance. Thus, Claim 3 is allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**Claims 16-18, 25-26, and 28-29**

Amended Claim 16 recites:

An engine comprising an engine body including at least one cylinder that has a cylinder axis and that defines in part a combustion chamber, and an air intake system including an air silencer having an air intake port, a throttle body in communication with the air silencer, at least one induction air passage extending along a side of the engine body generally next to the at least one cylinder and substantially parallel with the cylinder axis, a plenum chamber housing defining a plenum chamber, the plenum chamber being positioned downstream of the throttle body, and an induction air support member, the induction air support member connected to and providing fluid communication between the air silencer and the induction air passage, the induction air support member being attached to the engine body and supporting the throttle body.

Takahashi '928 and Takahashi '402, either alone or in combination, do not disclose or suggest each and every limitation of Claim 16. For example, Takahashi '928 and Takahashi '402 do not disclose, among other things, a plenum chamber housing defining a plenum chamber where the plenum chamber is positioned downstream of the throttle body. As discussed above, Takahashi '928 teaches an engine having an air intake box 68B where the air intake box 68B is positioned upstream of a choke valve 66 and a throttle valve 64 of the intake system. See Takahashi '928, Figs. 3a and 3b. Amended Claim 16, however, recites a plenum chamber position downstream of a throttle body of

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the intake system. Takahashi '402 fails to disclose or suggest this limitation as well. As a result, Takahashi '928 and Takahashi '402 simply do not disclose or suggest the arrangement of the air intake components recited in Claim 16.

Thus, Applicant respectfully submits that Claim 16 is in condition for immediate allowance. Dependent claims 17, 18, 25, 26, 28, and 29 depend from independent Claim 16. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**Claims 8 and 23 Are Allowable Over Takahashi '928**

Claims 8 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi '928. Applicant respectfully submits that the presently pending claims are patentable over Takahashi '928 as discussed below.

**Claim 8**

Claim 8 depends from Claim 1. As discussed above, Takahashi '928 does not contain each and every limitation of amended Claim 1, and Claim 1 is in condition for immediate allowance. Thus, Claim 8 is allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**Claim 23**

Claim 23 depends from Claim 19. As discussed above, Takahashi '928 does not contain each and every limitation of Claim 19, and Claim 19 is in condition for immediate allowance. Thus, Claim 23 is allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

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**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above. Applicant reserves the right to later contest whether a proper motivation and suggestion exists to combine these references, taking into account the disclosure in the applied references that teaches away from the combination made in the pending Office Action.

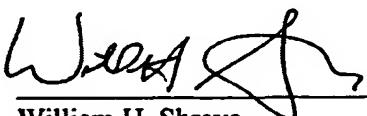
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:   
William H. Shreve  
Registration No. 35,678  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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